

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Elena Del Campo, et al.,

NO. C 01-21151 JW

Plaintiffs,

**ORDER SUSTAINING IN PART
OBJECTION TO DISCOVERY ORDER**

v.

Don R. Mealing, et al.,

Defendants.

Presently before the Court is Plaintiffs' Objection to November 9, 2010 Discovery Order. (See Docket Item No. 1049.) On November 18, 2010, the Court ordered supplemental briefing on Plaintiffs' Objection. (See Docket Item No. 1055.) On November 22, 2010, Defendants filed their Opposition. (See Docket Item No. 1058.) On November 23, 2010, Plaintiffs filed their Reply. (See Docket Item No. 1065.)

A district court may modify a magistrate judge's ruling on a non-dispositive matter, such as an order to compel discovery, if the order is "clearly erroneous" or "contrary to law." 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); Bahn v. NME Hospitals, Inc., 929 F.2d 1404, 1414 (9th Cir. 1991). Pursuant to Civil Local Rule 72-2, the court may not grant a motion objecting to a Magistrate Judge's order without first giving the opposing party an opportunity to brief the matter. See Civ. L.R. 72-2.

Upon review, the Court finds good cause to SUSTAIN in part Plaintiffs' Objection to the November 9, 2010 Discovery Order.¹ Accordingly, the Court ORDERS as follows:

- (1) The Court SUSTAINS Plaintiffs' Objection as to Request for Production of Document No. 4 because these documents should be in the possession of Defendants.

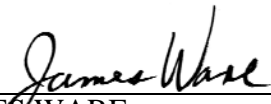
¹ (See Docket Item No. 1038.)

1 Plaintiffs should not have to reproduce documents they received from Defendants
2 simply because Defendants' new counsel did not receive a full file from Defendants'
3 former counsel.

4 (2) On or before **November 29, 2010**, Plaintiffs shall supplement their responses to
5 interrogatory nos. 11, 12, 13, 14, 15, 16, 17, 26, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45,
6 46, 47, 48, 49, 50, 52, 53, 54, 55, 56 and 57.

7 (3) On or before **November 29, 2010**, Plaintiffs shall comply with requests for
8 production of document nos. 8, 9, 10, 11, 24, 25, 34, 35, 36 and 37.

9
10 Dated: November 24, 2010



JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: November 24, 2010

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy